

MALLOY & MALLOY, P.A.



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

English Language Division

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

EXERCISE ASSEMBLY FOR THE UPPER BODY

the specification of which

(check one)

_____ is attached hereto

 X was filed on OCTOBER 17, 2003 as

Application Serial No. 10/688,806

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate have a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority
Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

James E. Wetterling - Reg. No. 31,440
Peter A. Matos - Reg. No. 37,884
John Fulton, Jr. - Reg. No. 46,716

Jennie S. Malloy - Reg. No. 37,670
John Cyril Malloy - Reg. No. 19,531

Send correspondence to: **MALLOY & MALLOY, P.A.**
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Miami, Florida 33129

Customer Number 4219

Direct telephone calls to: (305) 858-8000

Full name of sole or first inventor

JOHN CADEN

Inventor's signature

Date

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10/27/03

Citizenship (Country)

USA

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Full name of second joint inventor, if any

JOHN HAWK

Inventor's signature

Date

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10-27-03

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Post Office Address (complete mailing address)

15201 SW 158 ST.

Miami, FL 33187

(Supply similar information and signature for third and subsequent joint inventors.)

Full name of third joint inventor, if any
PATRICK JACOBS

10/17/03
Date

Inventor's signature

Patrick Jacobs

Residence (City, State)
Miami, Florida

Citizenship (Country)

USA

Post Office Address (complete mailing address)

15550 SW 152 Terrace

Miami, FL 33187

Full name of fourth joint inventor, if any
MARTIN THOMPSON

Inventor's signature

M. Thompson

Date

29/10/03

Residence (City, State)
Orpington, Kent UK

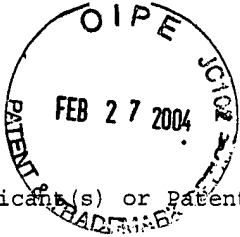
Citizenship (Country)

ENGLAND

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KENT BR6 7SS. U.K.

(Supply similar information and signature for fifth and subsequent joint inventors.)



INDEPENDENT INVENTOR - SMALL ENTITY STATUS

Applicant(s) or Patentee(s): JOHN CADEN; JOHN HAWK; PATRICK JACOBS and
MARTIN THOMPSON

Serial or Patent No.: _____ Attorney's
Docket No.: 1.260.03

Filed or Issued: _____

For: EXERCISE ASSEMBLY FOR THE UPPER BODY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled,

EXERCISE ASSEMBLY FOR THE UPPER BODY
described in

[] the specification filed herewith.
[☒] application serial no. 10/688,806, filed October 17, 2003
[] patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

[☒] no such person, concern or organization
[] person, concerns, or organization listed below

*Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR
JOHN CADEN

NAME OF INVENTOR
JOHN HAWK

NAME OF INVENTOR
PATRICK JACOBS

Signature of Inventor

Signature of Inventor

Signature of Inventor

Date

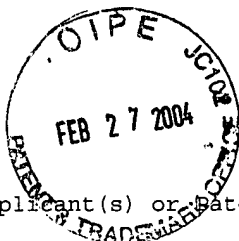
Date

Date

10/27/03

10/17/03

10/17/03



INDEPENDENT INVENTOR - SMALL ENTITY STATUS

Applicant(s) or Patentee(s): JOHN CADEN; JOHN HAWK; PATRICK JACOBS and
MARTIN THOMPSONSerial or Patent No.: _____ Attorney's
Docket No.: 1.260.03

Filed or Issued: _____

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Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

[☒] no such person, concern or organization
[] person, concerns, or organization listed below

Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

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FULL NAME _____

ADDRESS _____

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FULL NAME _____

ADDRESS _____

[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

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NAME OF INVENTOR
MARTIN THOMPSON

NAME OF INVENTOR

NAME OF INVENTOR

Signature of Inventor

Signature of Inventor

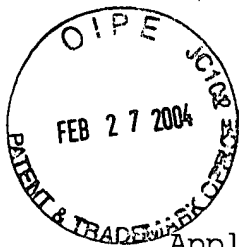
Signature of Inventor

Date

Date

Date

29/10/03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Caden, John Hawk, Patrick Jacobs and Martin Thompson

Serial No.: 10/688,806

Filing Date: October 17, 2003

For: EXERCISE ASSEMBLY FOR THE UPPER BODY

Group Art Unit 3764
Customer Number 4219

2800 S.W. Third Avenue
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MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, this 24 day of February, 2004.

Respectfully submitted,

MALLOY & MALLOY, P.A.
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By: 

Peter A. Matos
Reg. No. 37,884

Date: 2/24/04